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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,281	01/13/2004	Dong-yul Lee	1793.1124	1627

21171 7590 02/01/2006

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EXAMINER

CHAN, WING F

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/755,281	Applicant(s) LEE, DONG-YUL	
	Examiner Wing F. Chan	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 10-16, 21, 22, 26-33 is/are rejected.
- 7) ☒ Claim(s) 3-9, 17-20 and 23-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1, 14, 27-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato (JP 05-160979).

As to claims 1, 14, 27-33, Sato discloses a method and apparatus for urgently receiving data via facsimile comprising determining whether an urgent transmission of data is demanded by a second party based on a telephone number of the second party (see paragraph [0026]) previously determined to be capable of urgent communication, and when the first party is in communications with another party to interrupt the on-going communication when a call is received from the second caller during on-going communications and to receive the urgent fax from the second party. See all figures, paragraphs [0009-0032] for example.

3. Claims 2, 13, 15, 16, 21, 22, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (JP 05-160979).

As to claims 13, 26, Sato differs from the claimed invention in not disclosing the first on-going communication is a telephone call, however it is old and well known in the art that a facsimile device is capable of making telephone calls, thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sato's on-going communication to comprising telephone call such that urgent facsimile

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communication can still and also be made during on-going telephone calls in addition to on-going facsimile calls.

As to claims 2, 15, 16, 21, 22, Sato does not explicitly disclose storing the incoming telephone number when the urgent receiving function is enabled. However, Sato teaches comparing the incoming telephone number against stored numbers to determine its priority, this clearly implies the urgent receiving function is enabled. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sato to store the incoming telephone number in order to enable a comparison between this incoming telephone number against the stored telephone numbers.

4. Claims 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (JP 05-160979) in view of Naka (JP 07-236007).

As to claims 10, 11, Naka teaches that after an interruption to fax communication due to urgent transmission, the previous interrupted fax communication is resumed to finish the unfinished transmission, e.g. paragraph [0005]. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sato to resume the previous communication after the urgent fax communication is finished to ensure the interrupted fax communication is completed.

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5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (JP 05-160979) as modified by Naka as applied to claims 10, 11 above, and further in view of Fukuda (JP 03-278641).

As to claims, Fukuda teaches that after an interruption to fax communication due to urgent transmission, the previous interrupted fax communication is read from storage and resumed to finish the unfinished transmission, e.g. paragraph 2 on the right hand side of page 2. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sato as modified by Naka to resume the previous communication after the urgent fax communication is finished by reading data from the memory means to ensure the interrupted fax communication is completed.


6. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

7. Claims 3-9, 17-20, 23-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wing F. Chan whose telephone number is 571-272-7493. The examiner can normally be reached on Monday to Friday from 9 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wing F. Chan
Primary Examiner
Art Unit 2643

1/27/06